# Message Text

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INFO OCT-01 AF-10 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 ICAE-00 INRE-00 EB-08 AID-05 TRSE-00 /080 R

DRAFTED BY IO/HR:RFTAUBENFELD:BKM APPROVED BY IO:CWMAYNES IO/UNP:SESCUDERO (SUBS) IO/UNA:JTEFFT AF/I:LGSHURTLEFF (SUBS) HA:RMMAXIM

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O R 280103Z JUN 78 FM SECSTATE WASHDC TO AMEMBASSY KHARTOUM IMMEDIATE INFO USMISSION GENEVA USMISSION USUN NEW YORK

CONFIDENTIAL STATE 164026

FOR IO DEPUTY ASSISTANT SECRETARY DALLEY

E.O. 11652: GDS

TAGS: SHUM, PORG, OAU, XA

SUBJECT: POSSIBLE OAU INITIATIVE TO CREATE HUMAN RIGHTS COMMISSION
REF: (A) GENEVA 9729 (NOTAL), (B) GENEVA 9041, (C) NAIROBI

9455 (NOTAL)

- 1. DEPARTMENT SOURCES UNABLE TO LOCATE ANY OAU RESOLUTION AS RECALLED BY LEMELLE IN REF. (C).
- 2. THE RELEVANT RESOLUTION AT THE 34TH HUMAN RIGHTS COMMISSION (RES. 24 (XXXIV)) ENTITLED REGIONAL ARRANGEMENTS CONFIDENTIAL

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FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, REFERS BACK TO EARLIER UN ACTIVITY ON THE ISSUE, WHICH GENERATED VERY SIMILAR RESOLUTIONS. THESE INCLUDE HRC RESOLUTION 7 (XXIV), HRC RESOLUTION 6 (XXVI), AS WELL AS LAST YEAR'S GENERAL ASSEMBLY RESOLUTION 32/127. THE LATEST RESOLUTION CALLS ON THE SECRETARY-GENERAL TO CONSIDER ARRANGING REGIONAL SEMINARS ON THE SUBJECT. IT ALSO REQUESTED THE

SECRETARY-GENERAL TO ASSIST THE OAU, AT ITS REQUEST, IN THE ESTABLISHMENT OF SUCH A COMMISSION. IT REQUESTS A REPORT TO THE 35TH HUMAN RIGHTS COMMISSION SESSION.

- 3. THERE HAVE BEEN TWO EARLIER UN SEMINARS ON THE SUBJECT AS WELL AS A CONFERENCE OF AFRICAN JURISTS CONVENED BY THE UN ECONOMIC COMMISSION FOR AFRICA IN 1971 IN ADDIS ABABA. DEPARTMENT IS REPEATING REF. (B) REPORTING THE WORDING OF RELEVANT RESOLUTIONS ADOPTED BY THAT CONFERENCE. THIS MEETING CALLED FOR THE ESTABLISHMENT OF AN AFRICAN COMMISSION ON HUMAN RIGHTS AND INVITED THE OAU TO HASTEN TO IMPLEMENT THE EARLIER APPEAL OF THE PARTICIPANTS OF THE 1969 UN HUMAN RIGHTS SEMINAR ON REGIONAL COMMISSIONS WITH SPECIAL REFERENCE TO AFRICA, HELD IN CAIRO.
- 4. THE CAIRO CONFERENCE HAD ALSO APPEALED "TO ALL GOVERN-MENTS OF MEMBER STATES OF OAU TO GIVE THEIR SUPPORT AND COOPERATION IN ESTABLISHING A REGIONAL COMMISSION ON HUMAN RIGHTS FOR AFRICA." THE CAIRO CONFERENCE DOCUMENTATION SUGGEST THAT RELUCTANCE TO DEVELOP EFFECTIVE AFRICAN HUMAN RIGHTS MACHINERY FOCUSES ON UNWILLINGNESS OF SOME OAU STATES TO GRANT SUCH A BODY (1) A FACT-FINDING AND CONCILIATION ROLE AND (2) THE CAPACITY TO RECEIVE, CONSIDER AND TAKE ACTION UPON COMMUNICATIONS FROM STATES, INDIVIDUALS AND NGO'S. THE UN HUMAN RIGHTS COMMISSION CONFIDENTIAL

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HAS SUCH CAPACITIES. SOME PARTICIPANTS NOTED THAT WITH-OUT THEM, A HUMAN RIGHTS COMMISSION WOULD BE VERY WEAK.

5. THE DAR-ES-SALAAM 1973 UN HUMAN RIGHTS SEMINAR "ON THE STUDY OF NEW WAYS AND MEANS FOR PROMOTING HUMAN RIGHTS WITH SPECIAL ATTENTION TO THE PROBLEMS AND NEEDS OF AFRICA" INCLUDED IN ITS RECOMMENDATIONS:

QTE. 127. AFRICAN CONVENTION ON HUMAN RIGHTS. THE SEMINAR CAME TO THE CONCLUSION THAT AN AFRICAN CONVENTION ON HUMAN RIGHTS SHOULD BE PREPARED UNDER THE AUSPICES OF THE OAU, CREATING BINDING OBLIGATIONS UPON STATES PARTIES WITH RESPECT TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS.

128. AFRICAN COMMISSION ON HUMAN RIGHTS. THE SEMINAR ACCEPTED IN PRINCIPLE THE NEED FOR THE CREATION OF AN AFRICAN COMMISSION TO PROMOTE AND PROTECT HUMAN RIGHTS, AND AGREED WITH THE RECOMMENDATION OF THE CAIRO SEMINAR THAT THE OAU MIGHT CONSIDER APPROPRIATE STEPS, INCLUDING THE CONVENING OF A PREPARATORY COMMITTEE, REPRESENTATIVE OF OAU MEMBERSHIP, WITH A VIEW TO ESTABLISHING SUCH A

### COMMISSION.

129. NATIONAL HUMAN RIGHTS INSTITUTIONS. THE SEMINAR FOUND THAT NATIONAL HUMAN RIGHTS INSTITUTIONS EXISTED IN AFRICAN COUNTRIES UNDER VARIOUS NAMES AND WITH DIFFERING MANDATES. IT AGREED THAT THEY SHOULD BE ENCOURAGED TO INTENSIFY THEIR GOOD WORK. UNQTE.

6. THE DAR CONFERENCE DOCUMENT BROADLY SURVEYED HUMAN RIGHTS ISSUES FROM AN AFRICAN PERSPECTIVE. IT CALLED FOR INCREASED EFFORTS FOR EDUCATION WITH RESPECT TO HUMAN RIGHTS IN AFRICA AS WELL AS FOR REINFORCED EFFORTS BY THE UNITED NATIONS, THE SPECIALIZED AGENCIES, AND ALL AFRICAN STATES AGAINST ALL FORMS OF COLONIALISM, AGAINST APARTH-CONFIDENTIAL

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EID, AND RACIAL DISCRIMINATION. IT CALLED ON OAU MEMBERS TO RATIFY THE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS, TO OFFER ASSISTANCE TO REFUGEES FROM SOUTHERN AFRICA AND THE PALESTINIANS. ETC.

- 7. THE DAR CONFERENCE MAY HAVE BEEN THE ONE AMB. LEMELLE ALLUDED TO. IT WAS A UN SEMINAR. IT INCLUDED AN IMPLEMENTATION SECTION FOCUSING ON SOUTHERN AFRICA AND ON ISRAEL THAT GOES WELL BEYOND WHAT USG COULD SUPPORT. IN SEPARATE SECTIONS IT CALLED FOR EFFORTS TO IMPROVE THE AFRICAN STANDARDS OF LIVING AND THE STATUS OF WOMEN IN AFRICA. THE SOVIET UNION IS THE ONLY GOVERNMENT OBSERVER LISTED AS ATTENDING.
- 8. THE FOLLOWING ADDITIONAL CONSTITUTIONAL AND POLITICAL INFORMATION SHOULD BE USEFUL:
- (A) THE CHARTER OF THE OAU, IN OPERATIVE ARTICLE II, "PURPOSES" STATES, "(1) THE ORGANIZATION SHALL HAVE THE FOLLOWING PURPOSES: (E) TO PROMOTE INTERNATIONAL COOPERATION, HAVING DUE REGARD TO THE CHARTER OF THE UNITED NATIONS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS." THUS THERE WOULD BE NO OBVIOUS CONSTITUTIONAL OBSTACLE TO AN OAU-SPONSORED HUMAN RIGHTS COMMISSION FOR AFRICA.
- (B) THE 1973 DAR-ES-SALAAM REPORT CONTAINS INTERESTING DISCUSSION OF THE POLITICAL OBSTACLES TO AN EFFECTIVE REGIONAL COMMISSION: "NOTHING HAD HAPPENED" ON THE EARLIER CALLS FROM THE LAGOS AND CAIRO MEETINGS FOR THE OAU REGIONAL COMMISSION. QTE. THE REASONS LAY IN THE OBSESSION WITH NATIONAL AND PAROCHIAL PROBLEMS, FRAGILE POLITICAL INSTITUTIONS, AND DIVERGENCIES IN LEGAL SYSTEMS AND POLITICAL PHILOSOPHIES WHICH HAD PREVENTED EVEN THE CONFIDENTIAL

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DEVELOPMENT OF MEANINGFUL ECONOMIC COOPERATION AT THE SUBREGIONAL LEVEL...UNQTE.

- (C) CONTACTS WITH OAU SOURCES IN NEW YORK CITY ON JUNE 27 SUGGEST LITTLE CHANGE IN THAT POSITION. THE MAJOR CONCERN OF OAU SPOKESMEN ON HUMAN RIGHTS CONTINUES TO STRESS THE PERQUISITES OF NATIONAL SOVEREIGNTY, THE ORGANIZATION'S COMMITMENT TO NON-INTERVENTION, AND THE NEED TO AVOID ISSUES WHICH WILL MAKE IT DIFFICULT TO MAINTAIN A SHOW OF UNITY.
- (D) USUN REPORTS THAT THE SECRETARY-GENERAL IS PRESENTLY EXPECTED TO INCLUDE A REFERENCE TO THE DEVELOPMENT OF REGIONAL HUMAN RIGHTS MACHINERY IN HIS OAU SPEECH AT ITS SUMMIT JULY 20.
- 9. REGARDING OTHER ISSUES THAT WILL BE DISCUSSED AT OAU MEETING, YOU SHOULD RAISE WITH SUDANESE ZIONISM/RACISM AND MID-EAST ISSUES AS OUTLINED IN SEPTEL. YOU WILL ALSO RECEIVE SEPTEL PROVIDING TALKING POINTS ON CUBA AND THE NON-ALIGNED MOVEMENT WHICH YOU MAY DRAW ON IF NECESSARY. DEPARTMENT HAS STILL NOT CLEARED SPECIFIC INSTRUCTIONS FOLLOWING UP AMBASSADOR YOUNG'S CABLE ON NEED TO INCREASE OAU CAPABILITY TO DEAL WITH CONFLICTS SUCH AS SHABA. WE WOULD, HOWEVER, APPRECIATE HAVING GENERAL SUDANESE ASSESSMENT OF WHAT THEY EXPECT TO TRANSPIRE AT OAU MEETINGS IN JULY. SPECIFICALLY, WE WOULD LIKE TO KNOW WHAT ACTION THEY ANTICIPATE MIGHT BE TAKEN ON ZAIRE-ANGOLA COMPLEX OF PROBLEMS. VANCE

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INFO OCT-01 AF-10 ISO-00 /025 R

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CONFIDENTIAL STATE 164026

FOLLOWING REPEAT STATE 164026 SENT ACTION KHARTOUM INFO GENEVA, USUN NEW YORK 28 JUN 78

QUOTE CONFIDENTIAL STATE 164026

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# Message Attributes

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Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW

Disposition Date: 20 Mar 2014 Disposition Event:

Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00 Drafter: RFTAUBENFELD:BKM

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Litigation History:
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Reference: 78 GENEVA 9729, 78 GENEVA 9041, 78 NAIROBI 977

Retention: 0

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Review Date: 26 apr 2005 Review Event: Review Exemptions: n/a **Review Media Identifier:** 

Review Release Date: n/a Review Release Event: n/a **Review Transfer Date:** Review Withdrawn Fields: n/a

SAS ID: 2171445 Secure: OPEN Status: NATIVE

Subject: POSSIBLE OAU INITIATIVE TO CREATE HUMAN RIGHTS COMMISSION

TAGS: SHUM, PORG, XA, OAU

To: KHARTOÚM Type: TE

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Review Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

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